Spring 2006

# Kansas Environmental News

## Secretary's Corner

Now that spring has officially arrived, let's begin to enjoy our beautiful outdoors and think about all of the things we can be doing on a regular basis to keep the environment of this wonderful state in great shape! This month, the Kansas Department of Health and Environment (KDHE) announced some exciting new aspects of our 'Get Caught Recycling' campaign to help in this effort. Prizes and scholarships will be given to Kansans who provide videos, photos, artwork, audio or essays regarding individuals who 'get caught recycling.' In honor of Earth Day, Friday, April 21 KDHE held 'Celebration Earth Day' at the Statehouse in Topeka focusing on recycling and composting. Kansans enjoyed the many exhibits, listened to speakers, and dropped off electronic waste (e-waste: computers, monitors, cell phones, etc.) for recycling at the event.

In recent years, e-waste has become a growing concern due to the large number of items we are generating and throwing into landfills. By recycling or reusing these items, we save landfill space and conserve valuable natural resources. We are continuing to work with interested parties around the state in hopes of increasing the locations where Kansans can take e-waste on a regular basis.

KDHE has announced the 2007 'Kansas Don't Spoil It' calendar contest winners. Approximately 5,000 students from Kansas entered the contest by submitting artwork that depicts ways to preserve the beauty of our state. One student from each grade (kindergarten through 12th) was chosen to have their artwork featured in a calendar distributed statewide, win prizes and be photographed with Lieutenant Governor John Moore and their artwork. For a list of the winners, go to *www.kdheks.gov*.

The 12th annual Works! Conference was held recently in Great Bend to recognize Kansans who significantly contribute to making the Kansas environment better. Three Kansans were inducted into the Kansas Solid Waste Hall of Fame for their many years of service and two others were recognized for their leadership in waste management and environmental stewardship. Stan Slaughter (the traveling eco-troubador), Mike Tabor (Seward County), and Dr. Jim Triplett (Pittsburg) were inducted into the Hall of Fame. Bill Ridge (McPherson) and Jo Sanders (Wichita) were recognized as leaders in their field.

The conference featured the debut of an inspiring video highlighting the clean up of South Hoisington. This town, unfortunately, became an area where illegal dumping occurred for years. KDHE worked closely with local government and through the agency's illegal dumping program to clean up the area. The video is a testament to the work of local residents, businesses and government working together to preserve an area rich with history. For more information and to see the video, go to our Web site at *www.kdheks.gov*

Be Well,

Rod

## *Inside this issue:*

# What to Expect on a Hazardous Waste Inspection

*by Rebecca Wenner, KDHE Bureau of Waste Management*

Inspections differ according to the facility type, but all hazardous waste inspectors follow the same protocols and have the same purpose. The purpose of our inspections is to determine if the facility visited is in compliance with the hazardous waste regulations.

There are three types of inspections: complaint, routine and focused. A complaint inspection is initiated due to a specific complaint about a facility. The compliant is usually anonymous, in which case we will not record their name or other identifying information in our files. KDHE investigates all complaints by conducting a full compliance inspection, unless the facility has been inspected recently. On a rare occasion, we will conduct a focused inspection during which we only look at a particular waste stream or process. Routine inspections are the most common. Facilities will receive routine inspections more often if they are EPA generators (large quantity generator), than if they are Kansas small quantity generators.

No matter what type of inspection KDHE conducts, our inspectors will follow the same basic protocol. We will come to your main entrance and identify ourselves and ask for the contact person listed on your most recent Notification of Regulated Waste Activity form (good reason to keep that information current). Our inspectors will present their credentials and explain the reason for their inspection (routine, complaint or focused). They will spend a few minutes with facility personnel going over processes, waste streams and inspection procedures. This will help them understand the facility better and hopefully speed up the remainder of the inspection.

The next step is to walk-through the facility. The inspector will look in every corner, cabinet and closet. During the walk-through portion of the inspection, they may ask you again about processes and waste streams. They will be particularly interested in where you accumulate and store your wastes (both solid and hazardous). They may also talk to your employees during the walk-through. The inspector will view the entire facility, including the outside perimeter of each building.

After completing the walk-through inspection, the inspector will ask to review several records. The records requested will depend on your generator classification, but may include: emergency preparedness documents (contingency plan or emergency contact information), weekly hazardous waste storage area inspection records, hazardous waste manifests, and hazardous waste determination documents (analytical reports, material safety data sheets, process information, etc.).

Inspectors will then organize their thoughts and notes and hold an exit briefing. You are welcome to have additional facility representatives present. During the exit briefing, they will let you know your generator classification and they will explain their initial findings. Their initial findings may include violations as well as other areas of concern. They will also discuss with you some options for correcting the violations and give you a deadline to provide a written response documenting how each violation was corrected. In some cases, additional violations may be cited after the initial inspection is reviewed in KDHE's central office. If this happens, you will be notified in writing and again be given a deadline to provide a written response of how each violation was corrected.

Once you have corrected each violation, the inspector will send you a brief letter saying that the violations have been corrected. If you had no violations during the inspection, then the inspector may send you a follow-up letter letting you know that there were no violations identified, or alternatively, the inspector may simply write that no violations were identified and issue a Notice of Compliance form at the conclusion of the exit briefing.

Preparation is the key to experiencing good inspections. Make a list of all of your waste streams and determine which ones are hazardous (document that in a file). Determine how much of each hazardous waste stream you generate each month and add all of your hazardous waste streams together to determine your generator classification. Review the regulations for your generator classification and make sure that you are in compliance. Also, perform regular, in-house audits of your entire facility. Check any unmarked containers so that you know what is in them. Make sure all containers that are used to store hazardous waste are properly labeled, in good condition, and securely closed. Organize your records so that you can readily access three years of manifests and inspections logs. Review occasionally to make sure you have a complete file and that you have received signed copies of all of your manifests showing that your hazardous waste was received by the destination facility. Make sure your emergency information is current and that a copy of the information is easily accessible in an emergency. These easy steps will make your next hazardous waste inspection a quick and painless process.

# KDHE Regulations in Process

The following table shows the KDHE regulations that are being developed, amended or revoked. If you have questions about the regulations, feel free to contact Cathy Colglazier at 800-357-6087.

| Regulation | Division Draft[1] | External Review[2] | Public Hearing | Effective[3] |
|---|---|---|---|---|
| **Waste Management** | | | | |
| Definitions (A) | 1/05 | *6/06 | *8/06 | *10/06 |
| Tires (A) | 9/04 | *5/06 | *7/06 | *9/06 |
| Industrial Landfills (N) | *8/06 | *11/06 | *1/07 | *3/07 |
| Hazardous Waste Update (A) | *6/06 | *8/06 | *10/06 | *12/06 |
| **Air and Radiation** | | | | |
| Radiation Registration Licensing, Safety Standards and Requirements (N) (A) (R) | 9/03 | 7/05 | 9/05 | 12/05 |
| Definitions and Permitting Rules (A) | *6/06 | *9/06 | *10/06 | *12/06 |
| Clean Air Mercury Rule (N) | *5/06 | *8/06 | *9/06 | *11/06 |
| NSR Reform (A) | 12/05 | 2/06 | *5/06 | *6/06 |
| Transportation Conformity (N) | *9/06 | *12/06 | *1/07 | *3/07 |
| Acid Rain Nox and Permits (A) (N) | *9/06 | *12/06 | *1/07 | *3/07 |
| **Water** | | | | |
| Geology | | | | |
| Class V Injection Wells (A) | 11/05 | 11/05 | 11/05 | *06/07 |
| Livestock Waste Management | | | | |
| Groundwater (N) (A) (R) | *4/06 | *6/06 | *9/06 | *10/06 |
| **Environmental Field Services** | | | | |
| Surface WQS/Register (A) | 2/06 | 2/06 | *5/06 | *6/06 |
| **Environmental Remediation** | | | | |
| Environmental Use Control (N) | 6/04 | 11/05 | 2/06 | 4/06 |
| Surface Mining (A) | 9/03 | 2/06 | *5/06 | *9/06 |

[1]The Division Draft date is the date the regulations are sent to External Review.
[2] External Review includes reviews by EPA (if applicable), Department of Administration, & Attorney General
[3] Effective Date is the date the regulations become effective.

New (N), Amended (A), Revoked (R)
* Denotes projected date.

Updated 4/4/06

# New Hazardous Waste Manifest System

*by Jim Rudeen, KDHE Bureau of Waste Management*


The Hazardous Waste Manifest System is a set of forms, reports, and procedures designed to track hazardous waste from the time it leaves the generator facility where it was produced, until it reaches the off-site waste management facility that will store, treat or dispose of the waste. The system allows the waste generator to verify that its waste has been properly delivered, and that no waste has been lost or unaccounted for in the process.

The key component of this system is the Uniform Hazardous Waste Manifest which is a form prepared by all generators who transport, or offer for transport, hazardous waste for off-site treatment, recycling, storage or disposal. Currently, the manifest is a paper document containing multiple copies of a single form. When completed, it contains information on the type and quantity of the waste being transported, instructions for handling the waste, and signature lines for all parties involved in the management process. Both the Department of Transportation and the United States Environmental Protection Agency (EPA) require the manifest. Each party that handles the waste signs the manifest and retains a copy for themselves. This ensures critical accountability in the transportation and disposal process. Once the waste reaches its destination, the receiving facility returns a signed copy of the manifest to the generator, confirming that the waste has been received by the designated facility.

The EPA has improved and modernized the hazardous waste tracking system by standardizing the Uniform Hazardous Waste Manifest form. Standardizing the form streamlines the waste handling process, helps interstate commerce, and reduces regulatory paperwork. A streamlined process will save waste handlers and regulators time and money, while guaranteeing the continued, safe management of hazardous waste.

The new manifest regulations establish a truly uniform hazardous waste manifest. States will no longer have state specific manifests; every hazardous waste handler will be using the same manifest. The new manifest is standardized so that each state and hazardous waste handler will follow the same rules. There will be no more differing state requirements for completing the manifest. The new manifest regulations were approved on March 4, 2005 with an eighteen (18) month delayed compliance date. Existing manifests can be used until September 4, 2006. The new manifest will be used starting September 5, 2006.

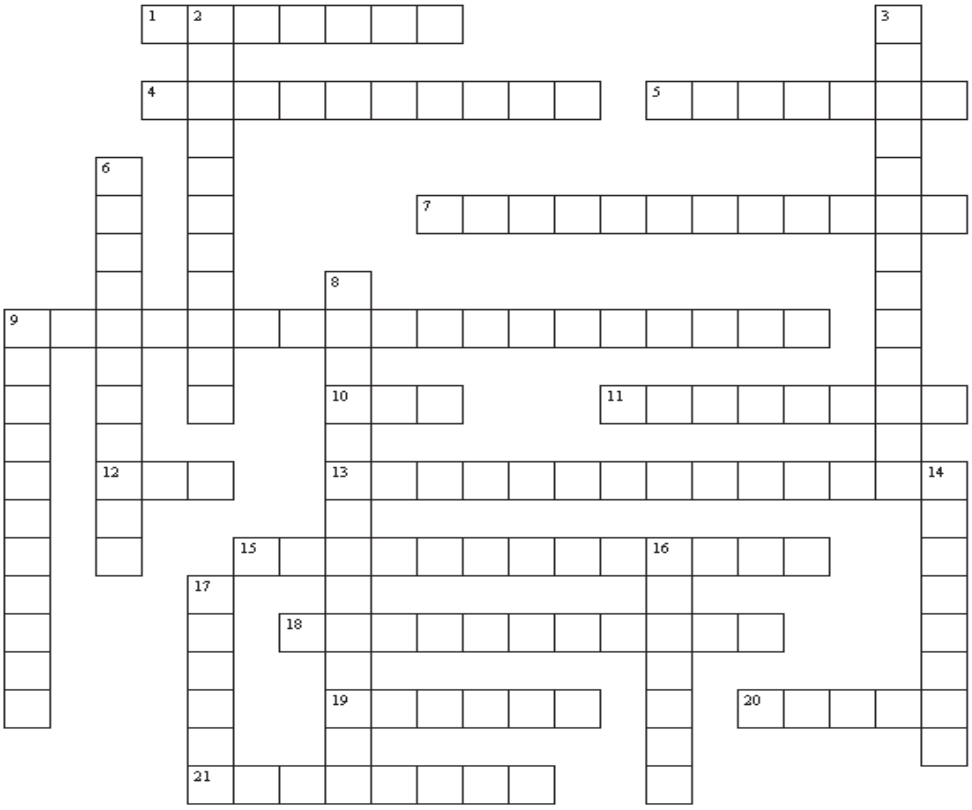
New manifests can be printed by various entities, but they must first register with EPA to obtain approval to print. All manifest forms will be printed according to a precise specification to assure uniformity. Each form will carry a unique preprinted manifest tracking number. Three characters will be assigned to each entity approved to print the new manifest. These characters will serve as the suffix of the manifest tracking number. The manifest tracking number will consist of nine numbers and the three-character suffix. Manifest tracking numbers, manifest printing, and obtaining manifests are discussed in section 262.21 of the new rule.

The U.S. EPA Manifest Registry Web site provides additional information on the new manifest system. It can be accessed at: *http://www.epa.gov/epaoswer/hazwaste/gener/manifest/index.htm.*

KANSAS SBEAP
Small Business Environmental Assistance Program

Are you a small business that has questions regarding compliance with environmental regulationsor permits? Don't hesitate to call Kansas State University's Small Business Environmental Assistance Program for free, confidential, technical assistance! Simply call (800) 578-8898.

# Crossword Puzzle - Air Related



ACROSS

**1** An alternative automotive fuel derived from grain and corn, usually blended with gasoline to form gasohol.
**4** The burning, or rapid oxidation, of materials that is a basic cause of air pollution.
**5** To minimize waste generation by recovering and reprocessing usable products that might otherwise become waste (such as aluminum cans, paper, and bottles).
**7** The portion of the atmosphere that is a few miles above the Earth's surface where "good" ozone, or ozone that filters out harmful sun rays, is found.
**9** The six pollutants used to determine the quality of ambient air.
**10** The Bureau within KDHE that protects the public and environment from radiation and air pollution. (abbreviation)
**11** A low pH precipitation phenomenon caused by power plant emissions. (2 words)
**12** A chart that uses colors, numbers, and words to tell you about the air. (abbreviation)
**13** Gases formed from atmospheric nitrogen and oxygen when combustion takes place under conditions of high temperature and pressure. (2 words)
**15** An increase in the surface temperature of the Earth predicted to occur as a result of increased emissions of greenhouse gases. (2 words)
**18** A stationary source of pollution, such as a smoke stack. (2 words)
**19** The action a vehicle is engaged in when its engine is running but it is not moving.
**20** A gas that occurs both in the Earth's upper atmosphere and at ground level, and that can be good or bad, depending on where it is found in the atmosphere.
**21** The fire-resistant material that can cause cancer when inhaled.

DOWN

**2** The portion of the atmosphere where ground-level ozone, or "bad" ozone produced by chemical reactions in the air, can be found.
**3** A pungent and colorless gas formed primarily by the combustion of fossil fuels that becomes a pollutant when present in large amounts.
**6** A criteria pollutant made of small particles like dust or smoke.
**8** A colorless, odorless, poisonous gas produced by incomplete burning of carbon-based fuels, including gasoline, oil, and wood. (2 words)
**9** The legislation which is the basis for the national air pollution control program. (3 words)
**14** An air pollution control device that uses a high energy liquid spray to remove aerosol and gaseous pollutants from an air stream. The gases are removed either by absorption or chemical reaction.
**16** A metallic hazardous air pollutant. Humans are most often exposed to this neurotoxin by eating certain types of fish.
**17** A respiratory disease in which the airways narrow, often in response to a "trigger" such as exposure to an allergen, pollution, cold air, exercise, or emotional stress.

Solution found on page 7.

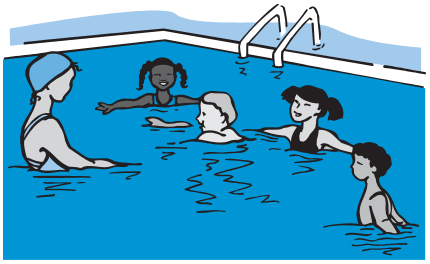
## "Cool Off" at Aquatic Center on Brownfields Property in Derby

*by Bridget Wilson, KDHE Bureau of Environmental Remediation*

The city of Derby requested that the Kansas Department of Health and Environment (KDHE) conduct a Brownfields Targeted Assessment (BTA) at a property being considered for redevelopment as an aquatic center in March 2003. The BTA property had historically been utilized as an agricultural field.

Interest for the Aquatic Center was generated by Supporters of the Aquatic Center, a grass root citizen interest group. Design for the Aquatic Center was donated by a consultant. The citizens of Derby then voted to approve a ½ cent sales tax increase to finance the Aquatic Center construction.

Because no environmental concerns were identified at the property during the BTA, the city of Derby has redeveloped the property as an aquatic park. The park consists of three pools including a zero entry pool, a lap/diving pool and a waterslide plunge basin. A 30-foot high water slide and a lazy river float area were also constructed.



## NPDES Stormwater Runoff Associated with Construction Activities

### Coordination and Oversight of Utilities Construction

*by Don Carlson, KDHE Bureau of Water*

Who is responsible for obtaining the Kansas issued National Pollutant Discharge Elimination System (NPDES) Stormwater Construction Runoff Permit for a development when a local governmental authority (city, county, etc.) is responsible for the construction of utilities such as streets, roads, sanitary sewers, water lines, and storm sewers? There are a number of options the developer, local governmental authority, or their contractor may utilize, but the key to ensuring compliance with the NPDES stormwater permitting program requirements is coordination and communication among the parties.

The need for obtaining an NPDES stormwater construction runoff permit began when the Federal Water Pollution Control Act Amendments of 1972 (PL 92-500) were signed into law. The law is commonly referred to as the Clean Water Act (CWA). The objective of the CWA is to restore and maintain the chemical, physical and biological integrity of the nation's waters. The CWA was modified February 4, 1987, [Section 402(p)] to address impacts stormwater runoff has on surface water quality. For construction projects, a major pollution threat is erosion and the release of sediment generated when large areas of land have been excavated or disturbed and stormwater runoff picks up and carries sediment, oil, trash and other contaminants to drainage courses which then enter streams, rivers and lakes. To implement the provisions of the CWA, the U.S. Environmental Protection Agency (EPA) promulgated NPDES stormwater permitting regulations in 1990 (Phase I) and 1995 (Phase II).

NPDES regulations require developers or their contractors proposing a project involving construction activities that will disturb one or more acres, or which KDHE deems to present a significant pollution potential to obtain an NPDES Stormwater Construction Runoff Permit or an authorization to discharge under an NPDES general permit regulating construction activities. Information regarding the Kansas stormwater permit program may be found on the KDHE web site at *http://www.kdheks.gov/stormwater/index.html.*

In regard to coordinating construction activities associated with a development project and its associated utilities, there are a number of options regarding who would need to obtain an NPDES Stormwater Construction Runoff Permit:

- If the developer or the developer's contractor will be responsible for construction activities for both the development project and the associated utilities, all construction activities can be covered under a single NPDES Stormwater Construction Runoff Permit. The

## NPDES Stormwater Runoff *(cont'd)*

developer or their contractor assumes full and complete responsibility for complying with the NPDES permit requirements regardless of whether subcontractors are employed for all or a portion of the construction activities.

- If a local governmental authority will be responsible for construction of a portion or all of the utilities, the developer, local governmental authority, or their contractor have two options for addressing the required NPDES stormwater permitting:

  - The developer or their contractor can assume responsibility for the entire project (including the utilities) regardless of whether the local governmental authority, or the authority's contractor, actually constructs or installs the utilities. In this case, the local governmental authority or their contractor, would be subject to, and must comply with, the sediment and erosion control plan submitted as a part of the NPDES application by the developer or the developer's contractor. The developer or their contractor, as the permittee, assumes full and complete responsibility for complying with the provisions of the NPDES permit.

  - Another option, is for the local governmental authority or the authority's contractor to apply for an NPDES Stormwater Construction Runoff Permit for the proposed utility work, and for the developer or the developer's contractor to separately apply for an NPDES Stormwater Construction Runoff Permit for the development portion of the project minus the utility work to be conducted by the local governmental entity. In this case, both parties are responsible for the construction activities associated with their respective work.

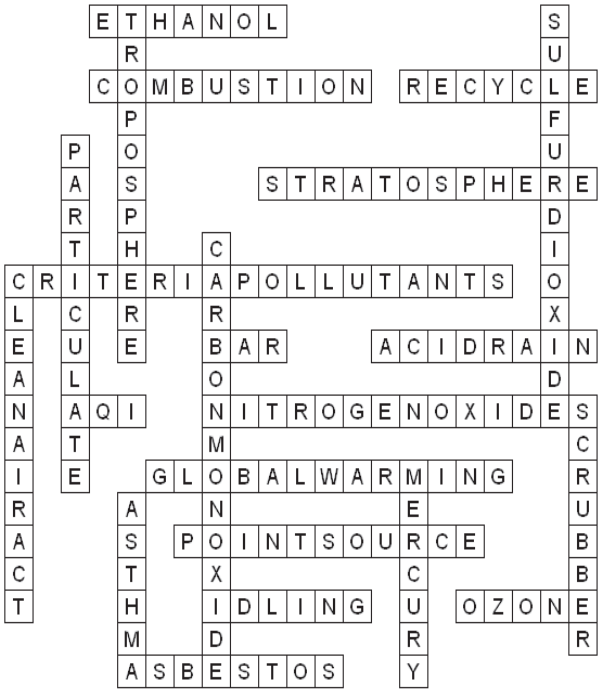
When submitting an application for an NPDES Stormwater Construction Runoff Permit, the developer, local governmental authority, or their respective contractors need to clearly delineate in the application materials the scope and nature of the proposed construction project for which they are responsible.


## Pollution Prevention Awards

Don't forget to submit your pollution prevention award application! Applications must be postmarked by Friday, June 16 to be considered.

If you have any questions on the P2 awards program, contact Cathy Colglazier at 800-357-6087.

Solution to crossword puzzle.



**Kansas Department of Health and Environment**
**Bureau of Environmental Field Services**
**1000 SW Jackson, Suite 430**
**Topeka, Kansas 66612-1367**



Save the date!

# *2006 Kansas Environmental Conference*

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*Kansas Environmental News*
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*For subscription information call:*
*(785) 296-6603*
*Fax (785) 291-3266*
*email: rlandis@kdhe.state.ks.us*

*KDHE Web Page address*
*www.kdhe.state.ks.us/befs*